

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
JOE HAND PROMOTIONS, INC.,

Plaintiffs,

-against-

28 WEST GROUP CORP., *et al.*,Defendants.
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24-CV-5215 (VSB)

ORDERVERNON S. BRODERICK, United States District Judge:


On July 10, 2024, Plaintiff filed this action against Defendants. (Doc. 1.) Plaintiff obtained summonses on July 11, 2024. (Doc. 7–9.) On October 18, 2024, I ordered Plaintiff to either demonstrate that Defendants had been timely served or submit a letter demonstrating good cause as to why this case should not be dismissed. (Doc. 10.) Plaintiff moved to extend the time for service, (Doc. 14), and I granted the request, extending Plaintiff’s time for service to December 27, 2024, (Doc. 15.) To date, Plaintiff has not filed affidavits of service or taken any other action to prosecute this case. Accordingly, it is hereby:

ORDERED that, no later than January 10, 2025, Plaintiff shall submit affidavits of service showing that Defendants were timely served. If Defendants were not timely served, then Plaintiff shall submit a letter of no more than three (3) pages, supported by legal authority, demonstrating good cause as to why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). “Good cause is generally found only in exceptional circumstances where the plaintiff’s failure to serve process in a timely manner was the result of circumstances beyond its control.” *E. Refractories Co. v. Forty Eight Insulations, Inc.*, 187 F.R.D. 503, 505 (S.D.N.Y. 1999) (internal quotation marks omitted). “District courts consider the diligence of

plaintiff's efforts to effect proper service and any prejudice suffered by the defendant as a consequence of the delay.” *Id.* (internal quotation marks omitted). “An attorney’s inadvertence, neglect, mistake or misplaced reliance does not constitute good cause.” *Howard v. Klynveld Peat Marwick Goerdeler*, 977 F.Supp. 654, 658 (S.D.N.Y.1997) (citing *McGregor v. United States*, 933 F.2d 156, 160 (2d Cir.1991), *aff’d*, 173 F.3d 844 (2d Cir.1999)). Plaintiffs is warned that failure to submit a letter and to demonstrate good cause for failure to serve Defendants by the deadline will result in dismissal of this action.

SO ORDERED.

Dated: January 3, 2025
New York, New York


VERNON S. BRODERICK
United States District Judge